

Remarks

Reconsideration of this patent application is respectfully requested, particularly as herein amended.

The Office Action of February 20, 2007, objects to claims 4 to 7 under 37 C.F.R. §1.75(c) because the claims are presented in an improper multiple dependent form, and rejects claims 1 to 3 under 35 U.S.C. §112, first paragraph, because the claims are considered to contain "subject matter which was not described in the specification in such a way as to enable one skilled in the art... to make and/or use the invention". In reply, applicants' claims 1 to 7 have been canceled and replaced with claims 8 to 16, none of which are presented in multiple dependent form. Moreover, and for reasons which follow, it is submitted that newly presented claims 8 to 16 are not subject to rejection under 35 U.S.C. §112, first paragraph.

The Office Action indicates that while a rotational drive 6 is disclosed in the specification, the lead line for the reference number 6 shown in the drawing indicates the distal end of the shank 3. It is further indicated that the proximal end of the shank 3 includes what appears to constitute a drive mechanism. It is submitted that this does not constitute a lack of enabling disclosure under 35 U.S.C. §112, first paragraph, but rather is a readily correctable error in the original drawing.

The Office Action next indicates that while the

disclosure refers to a head 5 of a contra-angle 4, the lead line for the reference number 5 shown in the drawing indicates a projection on the inner wall of the head, and that this projection appears to constitute the disclosed "snap-fastening means". It is submitted that this does not constitute a lack of enabling disclosure under 35 U.S.C. §112, first paragraph, but rather is again attributable to a readily correctable error in the original drawing. The lead line for the reference number 5 appropriately indicates the instrument-engaging portions of the contra-angle which are conventionally referred to as a "head". To further clarify such structure, a shortening of the lead line for the reference number 5 is being proposed in a "Replacement Sheet" of drawings which is attached to the end of this Reply. The projection on the inner wall of the head serves as an axle for cooperating with the shank of the instrument, for promoting rotation of the instrument, with reference to the following discussion.

At the bottom of page 2 of the Office Action, the position is taken that no structure is described or shown which would indicate how the "snap-fastening means" allows for a snap connection of the shank to the contra-angle while at the same time allowing for relative rotation of the two structures. However, following this, several questions are asked about the diamond-shaped and oval-shaped structures which were originally disclosed in the specification, at lines 6 to 9 of page 3, and in

dependent claim 3.

It is submitted that there is no lack of enabling disclosure under 35 U.S.C. §112, first paragraph, but rather that this relates to a readily correctable error in the original drawing. The "Replacement Sheet" of drawings which is attached to the end of this Reply proposes the addition of two figures, Fig. 2 and Fig. 3, which show alternative embodiment, plan views of the canal preparation device of the present invention. The figures show the originally described diamond-shaped and oval-shaped structures, which cooperate with the shank 3 of the instrument to engage the shank 3 and to retain the shank 3 within the head 5 of the contra-angle 4. Cooperation between either the diamond-shaped structure or the oval-shaped structure and the shank 3 of the instrument, coupled with cooperation between the opposite end of the shank 3 and the projection on the inner wall of the head 5, promotes rotation of the instrument within the head of the contra-angle 4. The compression of opposing sides of the head (for example, by compressing the opposing, top and bottom sides of the head 5, as viewed in Fig. 2 or Fig. 3) will cause the diamond or the oval to deform, and open, allowing the shank 3 of the instrument to pass into the head 5 or to be discharged from the head 5, without the need to actually engage the instrument (in this way avoiding the potential for pin-pricking of the user).

In view of the foregoing, it is submitted that

there is no lack of enabling disclosure of structures in the specification, but rather that there are readily correctable errors in the original drawings that will overcome the stated rejection of claims 1 to 3 under 35 U.S.C. §112, first paragraph.

Accordingly, it is submitted that the formal objection to claims 4 to 7 and the rejection of claims 1 to 3 under 35 U.S.C. §112, first paragraph, have been overcome. In the event that any additional issues are identified which require further consideration, the Examiner is invited to telephone the undersigned to discuss and resolve such issues.

Applicants' claims 1 to 3 are further rejected under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of Euvrard (US 6,155,827) and Butler (US 5,120,220). As previously indicated, applicants' original claims 1 to 7 have been canceled and replaced with claims 8 to 16. It is submitted that pending claims 8 to 16 are not subject to this formulated rejection.

As is correctly noted in the Office Action, Euvrard discloses a canal preparation device, but does not disclose any structure for snap-fastening the instrument within the head of the contra-angle. Although Butler discloses a cooperating ball (31) and socket (32) arrangement, Butler does not disclose any structure associated with the opposing end of the head for snap-fastening the instrument within the head in cooperation with the ball (31) and socket (32) arrangement.

Accordingly, it is submitted that applicants' claims are not subject to rejection under 35 U.S.C. §103(a) as being unpatentable over the proposed combination of Euvrard and Butler, and that applicants' claims are in condition for allowance.

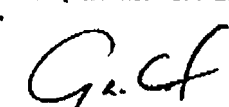
The drawings are then objected to, as informal. No specific basis is given for this objection. It is assumed that this objection relates to the foregoing rejection of claims 1 to 3 under 35 U.S.C. §112, first paragraph, and that such objection is overcome by the "Replacement Sheet" of drawings which is enclosed with this Reply. Entry of the Replacement Sheet of drawings is, therefore, respectfully requested. Conforming amendments have also been made to the specification.

Applicants' claim of priority under 35 U.S.C. §119 is then acknowledged, and the receipt of the appropriate certified copy is confirmed. Also acknowledged is consideration of the Information Disclosure Statements which were filed in this matter on August 2, 2006 and November 8, 2006, including the return of appropriately initialed PTO-1449 forms. The undersigned thanks the Examiner for these acknowledgements.

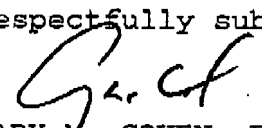
Corresponding action is earnestly solicited.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on: August 20, 2007.

Date: 8/20/07


Gary M. Cohen, Esq.

Respectfully submitted,


GARY M. COHEN, ESQ.
Reg. No. 28,834
Attorney for Applicants
Tel.: (610) 975-4430